Mysore (Karnataka) and Kala Academy, Goa funded by respective State Governments. There are Theatre Departments in various Universities like Punjab University, Chandigarh; Patiala University, Patiala; Rabindra Bharti University, Kolkata; Calicut University, Calicut (School of Drama, Trichur), Kerala; Mumbai University, Mumbai; Hyderabad University, Hyderabad, Andhra Pradesh; Dr. Bhim Rao Ambedkar University, Baroda; Rajasthan University, Jaipur, etc. Presently, more schools are not being set up.

Fund for renovation and maintenance of Temples

1207. SHRI SU. THIRUNAVUKKARASAR: Will the Minister of CULTURE be pleased to state the number of temples under his Ministry and the amount allotted for renovation and maintenance of these temples during 2004-05 and 2005-06?

THE MINISTER OF CULTURE (SHRI S. JAIPAL REDDY): 939 temples located in different parts of the country declared to be of national importance are protected and conserved by the Archaeological Survey of India.

The allocation for the conservation and maintenance of these temples for the years 2004-05 and 2005-06 is as under:

Year	Allocation
2004-05	Rs. 1836.82 lakh
2005-06	Rs. 2011.75 Lakh

Heritage monuments in Rajasthan

1208. DR. GYAN PRAKASH PILANIA: Will the Minister of CULTURE be pleased to state:

(a) the heritage monuments (State/National) identified in Rajasthan;

(b) the monuments managed by the Archaeological Survey of India;

(c) whether Government have any comprehensive heritage legislation to regulate unauthorized encroachments and urbanizations in such areas;

(d) if so, its details and salient features thereof; and

(e) if not, whether any proposal is under Government's consideration to introduce any effective legislation to regulate and preserve such monuments of historical importance?

THE MINISTER OF CULTURE (SHRI S. JAIPAL REDDY): (a) and (b) There are 269 monuments/sites protectecd by the State Government of Rajasthan and 161 monuments/sites declared as of national importance under the jurisdiction of Archaeological Survey of India in the State of Rajasthan.

(c) and (d) Yes, Sir. The centrally protected monuments under the jurisdiction of Archaeological Survey of India are covered under the ambit of Ancient Monuments and Archaeological Sites & Remains Act, 1958 and Rules, 1959. The details of the salient features of the concerned legislation of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 and Rules 1959 to regulate/contain encroachments, illegal/ unauthorized construction etc. within and near the centrally protected monuments are given in the enclosed Statement I (*See* below). Similar provisions exist in the Rajasthan Monuments, Archaeological Sites and Antiquities Act, 1961. The relevant provision of the enactment are given in the enclosed Statement-II (*See* below).

(e) No, Sir. Question does not arise.

Statement-I

The salient features of the legislation to regulate encroachments/ unauthorized and illegal construction within or near the centrally protected monuments

A. Under the Public Premises (Eviction of Unauthorized Occupant) Act, 1971

To prevent encroachment in the protected area, owned by the Archaeological Survey of India, Superintending Archaeologists of each circle in the survey is vested with the powers of Estate Officer and authorized to issue eviction notices to the encroachers under the Public Premises (Eviction of unauthorized occupants) Act, 1971.

B. Under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 and Rules made thereunder

As and when the encroachment is noticed/reported in the protected/ prohibited area of the centrally protected monuments/sites and Superintending Archaeologist under whose jurisdiction these monuments/ sites fall immediately issues a notice to the encroachers under the provisions of section 19(1) of the Ancient Monuments and Archaeological

Sites and Remains Act, 1958 and Rule 38(1) of the Ancient Monuments and Archaeological Sites and Remains Rules, 1959. Simultaneously help from the local police is also sought by lodging a complaint and by registering FIR. When no response is received from the encroachers the Central Government (Director General, Archaeological Survey of India) issues a notice under section 19(2) of A.M.A.S.R. Act, 1958 and Rule 38(1) of A.M.A.S.R. Rules, 1959 ordering the illegal occupant to vacate the occupied site and to remove the illegal constructions within a specific period. On non compliance of the order/notice issued by Director General, Archaeological Survey of India; District Collector is requested to demolish the illegal construction under the provisions of Ancient Monuments, Archaeological Sites and Remains Act, 1958 and Rules, 1959. If the above procedure fails to yield any fruitful result and the State Government also fails in removing the encroachment, legal action is initiated against the encroachers by filing cases in the court of law.

Further, in most of the cases, the extent of notified area under protection is limited. It has not, therefore, been possible to exercise effective control over the land near the protected monuments which is not included within the scope of protection. However, as a measure to contain encroachment of the protected area, to maintain the environs and to contain illegal construction activities in the immediate vicinity of monuments as per section 38 of the Ancient Monuments, Archaeological Sites and Remains Act, 1958, a General gazette notification has been issued by amending rule 32 of the Ancient Monuments, Archaeological Sites and Remains rules, 1959 with effect from 16.6.1992. As per the amended rule construction activities and mining operations are prohibited within 100 metres from the protected limits of the monument. Further, 200 metres from the prohibited limits is declared as regulated area where No Objection Certificate (NOC) from the Archaeological Survey of India is required for undertaking any construction or mining activity.

Statement-II

Salient features of the Rajasthan Monuments, Archaeological Sites and Antiquities Act, 1961

Section 17. Penalties.—

(1) Whoever—

(i) Destroys, injuries, multilates, defaces, alters, removes, disperses, misuses, imperils or allows to fall into decay a protected monument, or

(ii) removes from a protected monument any sculpture, carving image, basrelief, inscription or other like object,

shall be punishable with imprisonment for a term which may extend to six months with fine which may extend to five thousand rupees or with both.

(2) Whoever—

(i) being the owner or occupier of protected monument, contravenes an order made under section 7 or section 10, or

(ii) contravenes any other provision of this chapter for which contravention no punishment is provided for elsewhere therein, shall be punishable with the like punishment.

Section 18. Power to control Mining etc. near protected monuments.— (1) If the State Government is of opinion that mining, quarrying, excavating, blasting and other operation of like nature should be restricted or regulated for the purpose of protecting or preserving any protected monument, the State Government may, by notification in the Official Gazette make rules,—

(a) fixing the boundries of the area to which the rules are to apply

(b) forbidding the carrying on mining, quarrying, excavating, blasting or other operations of a like nature except in acordance with such rules and otherwise than under and in accordance with terms of a licence, and

(c) prescribing the authority by which, and the terms on which licences may be granted to carry on any of the said operations.

(2) A rule made under this section may provide that any person committing a breach thereof shall be punishable with fine which may extend to Two hundred rupees.

Section 19. Preservation of amenities of or to protected monuments.— (1) if the State Government is of opinion that for the purpose of preserving amenities to or of any protected monument it is necessary so to do, the State Government may, by notification in the Official Gazette in respect of any area comprising or adjacent to the site of such monuments and specified in such notification (hereinafter referred to as the controlled area).

(a) prohibit or restrict the construction, erection or execution of buildings, structures and other works above ground within the controlled area, or the alteration or extension of any such buildings, structures of

works in such manner as materially to affect their external appearance;

(b) prescribe the position, height, size, design, materials, colour and screening, and otherwise regulate the external appearance, of buildings, structures and other works above ground within the controlled area.

(c) require any local authority-

(i) to construct any approach road to any protected monument, or

(ii) to demolish any place or public convenience vesting in it, that is to say a latrine, urinal, dustbin and the like, located close to or in the vicinity of any protected monument;

(d) prohibit or restrict the falling of trees within the controlled area;

(e) otherwise restrict the user of land within the controlled area to such extent as may appear to the State Government to be expedient for the purpose of preserving the amenities to or of the protected monument;

(f) provide for such matters as appear to the State Government to be incidental to or consequential on the foregoing provisions of this section or to be necessary for giving effect to those provisions.

(2) Not less than forty-five days before issuing a notification under sub section(1) the State Government shall cause to be published in the Official Gazette, in the controlled area and in the village and at the headquarters of the tehsil in which the controlled area is situated a notification stating that is proposes to issue a notification in terms of sub-section (1), together with a notice requiring all persons affected by such notification, who wish to make any objections to the issuing of such a notification, to submit their objections in writing to the State Government or to appear before any officer duty authorised in that behalf to hear objections on behalf of the State government, within one month of the publication of the notification in the Official Gazette or within fifteen days from the date of the publication of the notification in the controlled area, whichever period expires later.

(3) If, before the expiration of the time allowed by sub-section (2) for the filing of objections, no objections has been made, the State Government shall proceed at once to issue the notification under sub-section (1). If any such objection has been made, the State Government, after all the

objections have been considered or heard, as the case may be, may either—

(a) abandon the proposal to issue the notification (1), or

(b) issue the notification under sub-section (1) with such modification as it thinks fit.

(4) In considering the objections the decision of the State Government on the question of issuing the notification under sub-section (1) shall be final and conclusive.

(5) Nothing contained in any notification under sub-section (1) shall affect any building, structure or other work above ground or any alteration or extension thereof, if it was constructed, erected or executed before the date when notice of intention to issue a notification was given under sub-section (2), and for the purpose of this provision a building, structure or other work and any alteration or extension therefor shall be deemed to have constructed, erected or executed before that date—

(a) if its construction, erection or execution was begun before that date, or

(b) if and so far as its construction, erection or execution was necessary for the purpose of performing a contract made before that date.

(6) If any person contravenes any of the provisions of a notification issued under sub-section (1), he shall, on conviction, be punished with fine not exceeding one hundred rupees for every day on which the contravention occur or continues.

(7) If, after any person has been convicted under sub-section (6) by reason of the fact that any building, structure or other work is not in conformity with the provisions of the notification issued under sub-section (1), the contravention continues after the expiration of such period as the court before whom he was convicted may determine, the State Government shall have power, to do all such acts as in its opinion are necessary for removing so much of the building, structure or work as is not in conformity with the provisions of the notification aforesaid for making it conform with the provisions of the notification any expenses incurred by the State Government in so doing shall be recoverable as an arrear of land revenue from the person convicted.